

REMARKS

The following remarks are made in response to the Office Action mailed December 13, 2004, in which claims 1, 2, 6-10 and 13-20 were rejected, and claims 3-5, 11 and 12 were objected to. With this Response, claims 1, 2, 7, 8, 16 and 17 are amended. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Objections to the Drawings

The drawings have been objected to under 35 C.F.R. §1.83(a) for failing to show every feature of the invention specified in the claims. Specifically, the Examiner states the button engagement feature being a projection and the transceiver module engagement feature being recessed with the module must be shown or the features canceled from the claim(s).

With this Amendment, new Figure 10 is submitted showing the button engagement feature being a projection (ref. no. 81') and the transceiver module engagement feature (ref. no. 80') being recessed with the module. No new matter is submitted, as the features illustrated in Figure 10 are fully described in the originally filed specification at page 9, lines 23-25, and also in claims 5 and 12. The attached replacement sheets 1-8 replace the original sheets 1-7. Withdrawal of the objection to the drawings is respectfully requested.

Amendments to the Specification

The specification has been amended to make reference to Figure 10, and to add reference numbers 80' and 81' to the description. No new matter has been added, and entrance of the amendments to the specification is respectfully requested.

Claim Objections

Claim 2 has been objected to for reciting the limitation "the molded plastic button" in line 1. The Examiner finds there is insufficient antecedent basis for this limitation, because claim 1 recites a plastic button but does not recite the plastic button being a molded plastic button.

Amendment and Response

Applicant: David R. Dodds et al.

Serial No.: 10/758,333

Filed: Jan. 16, 2004

Docket No.: 200353932US

Title: MODE INDICATOR FOR TRANSCEIVER MODULE

IN THE DRAWINGS

The attached sheets of drawings include new Figure 10. In Figure 10, previously omitted elements 80' and 81' are shown. The attached replacement sheets 1-8 replace the original sheets 1-7.

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Claim 2 has been amended to change “the molded plastic button” to --the colored plastic button--. The elements of claim 2 now have proper antecedent basis, and withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 2, 6-10, 13-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ahrens et al. (U.S. Patent No. 6,789,958 B2).

The Office Action alleges Ahrens et al. discloses a data transmission system comprising a transceiver module 400 with a housing 410, a cage 160, a printed circuit board 130, and an indicator 460. The cage 160 is fixed to the printed circuit board 130 and has an opening 165 and a latch 170 adjacent the opening 165. The housing 410 of the transceiver module 400 is placed into the opening 165 of the cage and is retained within the cage by the latch 170. The transceiver module is removable from the cage by deflecting the latch 170 with a release mechanism 450. The Office Action further alleges the release mechanism is coupled to the housing 410 and is separate from the indicator 460. The indicator 460 is secured to the transceiver module 400 and is shaped to form at least a portion of the receptacle 412 of the transceiver module 400.

The Office Action acknowledges that while Ahrens et al. teaches putting a suitable message on a curved surface 465 of the indicator 460, Ahrens et al. does not disclose putting a color or mode indication on the transceiver module. However, the Office Action finds the use of color to be well known and further that it is common knowledge that any desired information can be assigned to the color coding by a user. The Office Action therefore concludes that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the indicator top of Ahrens et al. such that it would have color for indicating a mode of a transceiver as taught by the present application.

Independent claim 1 has been amended to recite, in part, that **the button engagement feature is configured for stationary attachment to a corresponding transceiver module engagement feature**. In contrast, face plate 460 of Ahrens et al. is pivotally connected to housing 410 such that face plate 460 is rotatable from a first position to a second position.

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(Column 5, lines 1-7). In particular, pin 480 is inserted into holes 417 formed in housing 410, and is also inserted through a hole 467 in flange 466 located at the lower portion of face plate 460. When inserted, pin 480 couples face plate 460 to housing 410 and establishes an axis of rotation about which face plate 460 pivots relative to housing 410 (column 5, lines 19-25). As clearly described in Ahrens et al., flange 466 and face plate 460 are not configured for stationary attachment to housing 410. Rather, flange 466 and face plate 460 is rotatable with respect to the housing 410. Accordingly, Ahrens et al. does not disclose or make obvious that a button engagement feature is configured for stationary attachment to a corresponding transceiver module engagement feature, as set forth in independent claim 1, and withdrawal of the rejection under U.S.C. §103(a) is respectfully requested.

Independent claim 8 has been amended to recite, in part, that **the mode indicator remains stationary with respect to the housing**. As set forth above with respect to amended independent claim 1, Ahrens et al., fails to disclose or suggest that face plate 460 remains stationary with respect to the housing 410. Rather, Ahrens et al. teaches that face plate 460 is rotatable with respect to the housing 410, and in fact such rotation is necessary to remove the housing 410 from the cage. In fact, if face plate 460 were stationary with respect to the housing 410, as suggested in the present application, the face plate 460 Ahrens et al. would not function as intended. For at least these reasons, Ahrens et al. does not disclose or make obvious that a mode indicator remains stationary with respect to the housing, and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Independent claim 18 recites, in part, “a colored mode indicator attached to the transceiver module, **wherein the colored mode indicator is separate from the release mechanism**.” The Office Action alleges that the release mechanism 450 of Ahrens et al. is separate from the indicator 460. The characterization of Ahrens et al. as set forth in the Office Action is respectfully traversed. In direct contradiction to the characterization in the Office Action, Ahrens et al. states specifically, at column 4, lines 62-63, “release mechanism 450 generally includes a face plate 460”. In fact, rotation of face plate 460 is necessary to deflect the latch 170 and remove the housing 410 from the cage. Clearly, face plate 460 is an integral part

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of the release mechanism 450. Accordingly, Ahrens et al. does not disclose or make obvious that the mode indicator is separate from the release mechanism, and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Dependent claims 2-7, 9-17 and 19-20 depend, either directly or indirectly, from one of independent claims 1, 8 and 18. For at least the reasons set forth above, independent claims 1, 8, and 18 are in allowable condition. Accordingly, the claims depending therefrom are also in allowable condition, and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Dependent claims 7, 16 and 17 have been amended for the sole purpose of providing proper antecedent basis in the claims. In particular, the term “secured” has been changed to -- attached-- to conform to the language of independent claims 1 and 8.

Allowable Subject Matter

Claims 3-5, 11 and 12 have been objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-5, 11 and 12 depend from independent claims 1 and 8, either directly or indirectly, which are believed in allowable condition for at least the reasons set forth above. Accordingly, claims 3-5, 11 and 12 are also believed in allowable condition, and Applicant respectfully declines to rewrite the claims in independent form at this time.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-20 are in form for allowance. Therefore, reconsideration and withdrawal of the rejections and allowance of the claims is respectfully requested.

The Patent Office is hereby authorized to charge Deposit Account No. 50-0471 for any fees due.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Respectfully submitted,

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By his attorneys,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4th day of March, 2005.

By 

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